IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.12732 of 2008
JIVO YADAV
Versus
STATE OF BIHAR
with
Cr.Misc. No.4546 of 2008
BENI YADAV
Versus
STATE OF BIHAR
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4. 18/07/2008 Heard learned counsel for the petitioners and learned counsel for the State.

Case is under section 147, 148, 149, 302, 307 of the Indian Penal Code and section 27 of the Arms Act.

In the F.I.R. 17 accused have been named to have participated in the crime, out of which allegation of firing is on petitioner Beni Yadav of Cr.Misc.No.4546 of 2008.

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In the circumstances, since petitioner Beni Yadav is named as the main assailant having fired upon the deceased, I am not inclined to grant him bail. Accordingly, Cr.Misc.No.4546 of 2008 is dismissed. However, the court below is directed to expedite the trial and make all endeavours to conclude the same within six months.

So far as petitioner Jivo Yadav of Cr.Misc.No.12732 of 2008 is concerned, he is not

named in the F.I.R. and his name transpired during investigation as a member of the unlawful assembly. He is in custody since 12.11.2007 and he has no criminal antecedents.

In the circumstances, petitioner Jivo Yadav is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in Jagdishpur (Goradih) P.S.Case No.19 of 2006.

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Pradeep/ **(J. N. Singh, J.)**